

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00187

ROBERT BUTTERWORTH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 18, 2013, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Robert Butterworth, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black. The defendant commenced a thirty-two month term of supervised release in this action on May 24, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on April 2, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to submit monthly reports for June and July 2013; (2) the defendant failed to report to the probation officer every Tuesday as he was directed on June 5, 2013, inasmuch as he did not report on each Tuesday or any other day; (3) the defendant failed to notify the probation officer of his change in employment inasmuch as on June 5, 2013, he informed the probation officer that he was employed at Taco Bell and on June 26, 2013, the officer contacted Taco Bell and was informed that the defendant was not employed there; and (4) the defendant failed to notify the probation officer regarding his change in residence; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

imposed upon the defendant in this action be, and it hereby is, revoked.


And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWO AND ONE-HALF (2½) MONTHS, to be followed by a term of twenty-nine (29) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend a period of six (6) months in a community confinement center, follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment as directed. If feasible, the defendant shall report directly from his place of incarceration

to the community confinement center with transportation to be provided by his girlfriend.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 7, 2013



John T. Copenhaver, Jr.
United States District Judge